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REMARKS

Applicants would like to thank the Examiner for careful consideration of this application. Claims 1-17 are pending in the application.

Rejections under 35 USC 102

Claims 1-11 and 13-17 stand rejected under 35 USC 102(e) as being anticipated by US Patent No. 6,312,410 to Yamamoto. (hereinafter "Yamamoto").

The Office Action alleges that "Yamamoto discloses a housing 10, drive member 11, plunger 3, syringe 4, syringe retaining mechanism 200, capture members 204/205, actuator member 210 and spring 210."

It is well settled that in order for a prior art reference to anticipate a claim, the reference must disclose each and every element of the claim with sufficient clarity to prove its existence in prior art. The disclosure requirement under 35 USC 102 presupposes knowledge of one skilled in art of claimed invention, but such presumed knowledge does not grant license to read into prior art reference teachings that are not there. *See Motorola Inc. v. Interdigital Technology Corp.* 43 USPQ2d 1481 (1997 CAFC).

However, Yamamoto discloses only two embodiments of syringes, one of which is utilized with the syringe adaptor 200 disclosed therein. Col. 4, lines 45-50. Specifically, Yamamoto discloses that "[t]he syringe 2 shown in FIG. 16 has a cylindrical body part 6, an injection port 7 which is provided on the forward end for injecting a contrast medium, and a flange part 5 which is provided on the rear end for defining an opening. " Col. 2, lines 31-34.

Further, Yamamoto discloses the structure of the syringe adaptor 200, specifically including holding members 204, 205:

[A] flange receiving part 203 supporting the flange part 5 (see FIG. 1) of the syringe 2 from the rear end and the outer side surface, and a pair of holding members 204 and 205 covering the flange part 5 from the front end of the syringe 2 thereby supporting the flange part 5 along with the flange receiving part 203 while holding the body part of the syringe 2 along its outer peripheral surface.

The holding members 204 and 205 are rotatably fixed to the body part 201 through fixing holes 204a and 205a, which are provided in first ends thereof, with screws 206 and washers 207 through screw holes 202c and 202d provided on the base part 202 respectively (Col. 6, lines 7-19.)

Yamamoto further discloses that the holding member 204, 205 are restricted in the position at which they open to engage the syringe. The holding members 204 and 205 are provided with slots 204b and 205b for limiting open states thereof in the vicinity of the fixing holes 204a and 205a respectively, while the screws 206 and the washers 207 are mounted through screw holes 202a and 202b which are provided on the base part 202. "

The first and second levers 210 and 211 are rotatably connected with each other through a pinhole 210b provided on the first lever 210, a pin 211a and the scotch 208. The pin 214 of the first lever 210 is fitted with a spring 219, for regularly maintaining the holding members 204 and 205 in maximum open states when the same are not locked.

In addition, a guide 216 is mounted on a screw hole 202e which is provided in the base part 202 with the screws 206 in the contact portions of the holding members 204 and 205, thereby limiting axial movements of the holding members 204 and 205. (Emphasis added, See Col. 6, lines 37-47.)

Thus, Yamamoto discloses one syringe adaptor embodiment including holding members 204 and 205 that are limited in configuration by a "maximum open state" via first and second levers 210, 211, and in "axial movements" via

guide 216.(See Fig.'s 6, 7 and 9) and one syringe embodiment having a flange portion 5 (See Figure 1), as discussed above. As shown in Figure 1, the syringe 4 is aligned such that the two extending flanges 5 on the syringe are positioned to be held by the holding numbers 204, 205. The "flattened" portions between the flanges 5 are not wide enough to be held by the holding numbers 204, 205. Accordingly, the syringe adaptor of Yamamoto requires that the syringe 2 be oriented uniquely with respect to the injector (or syringe adaptor attached to the injector) at a position in which flange portion 5 may be inserted between holding members 204, 205 oriented in a "maximum open state" such that first level 210 of the holding member 204 is rotated clockwise... and the rear end of the outer side of the flange part 5 of the syringe 2 are entirely covered with the flange receiving part 203 and holding members 204 and 205 (Col. 6, lines 54-62). Thus, Yamamoto teaches away from an injector including "a syringe retaining mechanism associated with the housing, the syringe retaining mechanism adapted to releasably engage the syringe regardless of the orientation of the syringe with respect to the injector" of Applicants' independent Claim 1.

Yamamoto does not teach each and every element of Claim 1, therefore the rejection under 35 USC 102(e) should be withdrawn. Reconsideration is respectfully requested.

Regarding Claim 13, as discussed above, Yamamoto discloses syringe adaptor 200 including the holding members 204, 205. The syringe 2 is engaged by the holding members 204, 205 via positioning of syringe flange 5 on the flange receiving part 203 of the syringe adaptor 200. Col. 6, lines 52-55. Further, the

first lever 210 is rotated such that the flange part 5 is supported between the flange receiving part 203 and holding members 204, 205. Accordingly, Yamamoto teaches that the first level 210 secures the syringe into the housing independently of any rotation of the syringe. Thus, Yamamoto does not teach or suggest the injector of Applicants' Claim 13 including "a retaining mechanism associated with the housing for releasably engaging the syringe, the retaining mechanism being movable upon rotation of the syringe between a relaxed state, where the syringe is engaged by the retaining mechanism, and a tensioned state, where the syringe is released from the retaining mechanism."

Rejections under 35 USC 103

Claim 12 stands rejected under 35 USC 103(a) as being unpatentable over Yamamoto in view of US Patent No. 5,383,858 to Reilly. (hereinafter "Reilly").

The Office Action alleges that "Yamamoto discloses the claimed invention as shown above. Yamamoto, however, does not disclose an encoding device. Reilly discloses an encoding device 70 on a syringe. See Figure 2. It would have been obvious to one of ordinary skill in the art to modify the invention of Yamamoto, by including an encoding device, as suggested by Reilly, in order to prevent misdose of medicine."

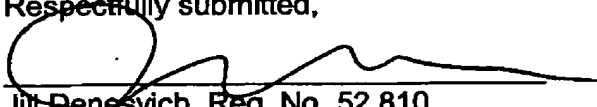
As discussed above, however, Yamamoto fails to teach or suggest "a syringe retaining mechanism associated with the housing, the syringe retaining mechanism adapted to releasably engage the syringe regardless of the

orientation of the syringe with respect to the injector" of Applicants' independent Claim 1. Further, Reilly fails to teach or suggest all of the limitations of amended independent Claim 1. As Yamamoto does not teach or suggest independent Claim 1, and the disclosure of Reilly fails to cure this deficiency, these references cannot be used in combination as the basis of a 35 USC 103(a) rejection.

Further, Claim 12 depends from and adds further limitations to Claim 1 and should be deemed allowable for at least the same reasons in combination with independent Claim 1. Reconsideration is respectfully requested.

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Respectfully submitted,


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I hereby certify that this paper (along with any referred to as being attached or enclosed) is being facsimile transmitted to the U.S. Patent and Trademark Office (Fax No. (571) 273-8300) on July 21, 2006.


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